

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

DAVID GLENN MORTON,

Plaintiff,

v.

COUNTRYWIDE HOME LOANS, INC., et al.,

Defendants,

Hon. Robert J. Jonker

Case No. 1:16-cv-00295

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REPORT AND RECOMMENDATION

Plaintiff filed his complaint on March 22, 2016 (ECF No. 1). On June 6, 2016, the court entered a Notice of Impending Dismissal as to all defendants due to plaintiff's failure to serve the summonses and complaint (ECF No. 5). In response, plaintiff filed a document entitled, "Affidavit in Support of Proof of Service," which contains several attachments purporting to document service of summonses and the complaint on the various defendants (ECF No. 6). The affidavit and attachments fail, however, because a review of the record in this case shows that the requirements Fed. R. Civ. P. 4(a) and (b) have not been met, i.e., summonses were never provided by plaintiff for issuance by the court.

As such, summonses and complaint could not have been adequately served on defendants and the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 4(m) for failure to serve, and pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be

considered plaintiff's final opportunity to show cause why this matter should not be dismissed.

Date: September 1, 2016

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).